

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

WILLIE B. GAINES, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV205 DPJ-FKB  
CONSOLIDATED WITH 3:13CV203 DPJ-FKB

TYRONE LEWIS, ET AL.

DEFENDANTS

ORDER

This pro se prisoner action is before the Court on motion of Defendant Dr. Sutton to dismiss [19] Plaintiff's claims against him pursuant to Federal Rule of Civil Procedure 12(b)(6).<sup>1</sup> Dr. Sutton points out that his name only appears once in Plaintiff's initial Complaint [1] and not at all in Plaintiff's Amended Complaint [8] and asserts that Plaintiff has failed to state a claim against him. Plaintiff has not responded to the motion, and the time to do so has now passed.

Accordingly, the Court finds Dr. Sutton's unopposed motion to dismiss [19] should be granted. Plaintiff's claims against Dr. Sutton are dismissed without prejudice; Dr. Sutton may be terminated as a Defendant in both actions.

**SO ORDERED AND ADJUDGED** this the 23<sup>th</sup> day of December, 2013.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> All docket entries refer to 3:13cv205 DPJ-FKB.